

**Mission Bay Landfill
Technical Advisory Committee
City Administration Building
12th Floor Conference Room B
January 13, 2006
10:00am to 12:00pm**

Amended Meeting Minutes

TAC Members Present

Donna Frye
Judy Swink

Rebecca Lafreniere
Robert Curtis

David Huntley, Ph.D.
Jeoffry Gordon, MD

TAC Members Absent

Bruce Reznik
Ben Leaf

Robert Tukey Ph.D.
John Wilks
George Murphy

David Kennedy, DDS
Barry Pulver
Brian McDaniel

Interested Parties/Alternates

Scott Andrews
Patrick Owen
Jace Miller

Kathleen Blavatt
Susan Orlofsky
Corrine Brindley

Ellen Lirley
Andy Fichthom

Staff

Chris Gonaver
Steven Fontana

Ray Purtee
Sylvia Castillo

John Howard
Mary Ann Kempczenski

The meeting was called to order by Councilmember Frye. Self introductions were made.

Approval of Minutes

Minutes were not approved because a quorum was not present.

Biological Survey of East Area

John Howard introduced himself; he is a biologist for the City's Environmental Services Department. He has been to the Mission Bay landfill site numerous times over the last 13 years and responded to a request for a biological survey of an area in the east proposed to get more cover material.

The site is highly disturbed judging by the vegetation. Broom Baccharis dominates the site representing 80% of plant species there. There are low numbers of 5 other native species and John provided a list of plant species identified during the survey. The first six plants listed are native plant species. There were many non-native plant species present. No sensitive mammals or birds were observed on the site.

A question was asked "Because there are endangered species have you contacted the Native Plant Society?" John answered "no, but I will contact them."

Since SCS said part of the landfill had inadequate cover, what would be the impact to the site of adding additional cover? It seems that if the landfill cover is deficient, there is no choice but to address it with more cover. Any loss of native plant species would then have to be addressed. One possible method to do this would be saving the top four inches of cover soil as a seed base for redistribution over the area after grading.

Sea World Request for TAC Approval

Next on the agenda was the matter of Sea World's request for a TAC approval to be sent to the Coastal Commission concerning the parking lot expansion and the promenade construction.

Discussion began with the question "Is it one of the mandates of this committee to approve or disapprove of the actions of another body?" The answer was this is a moot question because we don't have a quorum. Without a quorum we could only have a discussion. Another answer was that we could have a letter of support rather than an "approval."

Dr. Gordon said he is on this committee as a matter of public health and felt it is beyond this committee's jurisdiction to approve Sea World's action.

Pat Owen said that Sea World is waiting for action by the Coastal Commission on the parking lot expansion. But the Coastal Commission is waiting for the site assessment report results. He cannot find anything in the report prohibiting this proposed use of the landfill; therefore he is requesting that the TAC give the Coastal Commission the go-ahead on the project. Timing is such that Coastal Commission approval is needed soon if this project is to be ready for use by the summer season.

To clarify, Pat pointed to a map and explained that the proposed project is the expansion of the existing parking lot to the east, over an unpaved area over landfill that is used in the summer time for overflow parking. Sea World wants to pave this area and this will provide an impervious surface over the landfill thus reducing water infiltration. Also, during the rainy season two lakes form in the existing parking lot, so they are proposing catch basins to pick up run off and divert it to their water treatment system. A retention basin at the North end will remain and will provide runoff capture for future uses of the park. Basin water will be pumped to their water treatment facility before discharge to the bay.

A question was asked: What's the status of LEA, RWQCB approval? Pat answered they have received approval from both agencies and the City Development Services department.

Another question was: Where does the water from the two lakes go to now? Pat answered it is pumped to a manhole then to their treatment plant.

Ellen Lirley clarified that the Coastal Commission board chose not to act on this until they had results of the site assessment study. They expected this to take a year; it has been two. It's possible the draft report will be adequate, but they were expecting the final. She will follow up to confirm this.

Pat moved on to describe the Promenade project. It will connect up the South Shores driveway to the bike paths. One section will run to the east of South Shores connecting to Sea World drive and the other section will run from the boat launch ramp to the west, connecting with the cul de sac.

A question was asked: Did the Coastal Commission approve the promenade? Pat answered yes.

Discussion ensued: if we approve Sea World to do their work, then every one else gets approval before the site assessment report is finished. Saying it's time to do this now because it will push it out another year is immaterial. There are still unanswered questions. There were high arsenic levels and methane levels. What about the ski club? Should they be approved? Where have the toxics gone? Where is the second collection of water samples?

More comments were as follows: this committee is producing a stand alone report, but it isn't finished yet. This committee could be gone in six months so only the product, the report, will be left. But even taking our comments and including them into the report, and changing its structure and adding some additional text, doesn't materially change the conclusions. Putting paving and sidewalks shouldn't be something the Coastal Commission should hold off approval for.

Councilmember Frye expressed a previous concern that giving Sea World additional parking would encourage them to expand into their existing lot. She asked Judy Swink to confirm if the Sea World master plan approved four facilities: a conference center, Journey to Atlantis (JTA) ride, front gate entrance, and a parking structure. Does Sea World have timing for all these? Judy answered that the parking structure was a "future" project. The others have gone through review by the Mission Bay Park Committee.

Councilmember Frye said the intention was that we find out what is beneath the proposed 16.5 acres for new parking, before allowing expansion of Sea World facilities into their existing parking areas. Pat Owen responded that the JTA attraction was moved into an area used for buses, and drop-off, etc. Not many parking spaces were removed to accommodate the JTA attraction.

Pat returned to the description of the Promenade. The new Promenade will start at east side of the boat basin and go along the shoreline to Sea World drive. The other section will run from the boat launch ramp to the West, connecting with the cul de sac. The Promenade is intended for pedestrians, with benches to view the bay, etc. Sea World is building this for the City. This is mitigation by Sea World for blocking public access to the bay. This project is outside the limits

of the landfill but is within 1,000 feet. It has been approved by design committees and is only waiting on Coastal Commission and development services approval. Since this is outside the landfill there is a normal irrigation system proposed. In the parking lot expansion there are root barriers and automatic irrigation shut offs.

A question was asked: Do you have any soil tests in the area of the parking lot expansion? Pat answered in the area of the JTA there were numerous soil borings.

Public Comment

Scott Andrews handed out documents concerning thallium levels and one entitled “Scientific Toxic Waste Dump Tests.” He pointed to the Sea World display board and said here’s a highly used public area that’s a park; an area that also produces highly toxic gas. There should be restrictions on public access.

Reviewing Scott’s handout, Pat Owen said many documents were submitted to the Coastal Commission at the time of the boat basin excavation incident – there were no readings found for hydrogen sulfide gas and there was no exposed trash. He quoted from an observation that toxic gases are not an issue at the site. The death of a construction worker was not attributed to toxic gas exposure. Pat went on to say that AMEC Earth & Environmental reviewed SWAPE’s reports. Concerning historical flooding of the area, he had Keith Merkle review historical photos and he found that when dredging the bay, water runoff was channeled to the Northeast – away from Sea World.

Councilmember Frye (reviewing Scott’s hand out): you have info on thallium only up to 1998; do you have any more current test results? Scott answered that toxic dumps leak intermittently over the years, so to capture a release event many years of testing would be needed and the City discontinued thallium testing.

Dr. Huntley asked concerning the transcription of the State Water Board employees’ memo, were the thallium containing surface water samples from the river or bay? Scott answered that his group wrote a letter to the RWQCB asking for all their data and there’s been no response.

Sylvia Castillo reminded the group that there was a report on thallium presented to the TAC by Chuck Budinger and Ann de Peyster.

Continuing the review of Scott’s handout, specifically the “Scientific Toxic Waste Dump Tests” pages, Councilmember Frye said that SCS hadn’t refused to produce an executive summary. Scott replied that since they simply pulled quotes from the report, they have not produced an executive summary.

A comment was made that we still have unanswered questions because there isn’t a written history of the dump site.

Dr. Gordon said that he comes to these meetings at considerable personal expense but he is going to stop coming. We have conducted a scientific, open, technically appropriate report that shows there is no need for posting caution signs at the site or that there is a smoking gun. I feel that dragging old issues back up is not our job. It has been a privilege to participate, and I admire the participation of the public agencies. I would like to stay only long enough to append my name to

the final report. Councilmember Frye responded: it is my intention to get this final document out and want you to stay, say for a maximum of two meetings, until we get this report finalized.

Dr. Gordon commented that the final report should include a statement on the feasibility of constructing the Boat & Ski Club.

Councilmember Frye said the next meeting is going to be March 10, as we will skip the February meeting to give SCS time to prepare responses to comments. If you have comments, please get them to the City by January 31 so SCS can produce their response.

Councilmember Frye closed the meeting by wishing everyone a happy new year and to go in peace.

Future Meetings

- Friday, April 7, 2006